

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Perfect Fit Industries, Inc.

)
)
)
)
)
)
)

File No.: EB-04-SE-045

ORDER

Adopted: February 22, 2005

Released: February 24, 2005

By the Chief, Spectrum Enforcement Division, Enforcement Bureau:

1. On October 18, 2004, the Spectrum Enforcement Division of the Enforcement Bureau issued an Order denying a request for confidential treatment of certain materials submitted by Perfect Fit Industries, Inc. ("PFI") in response to a letter of inquiry.¹ The Order denied PFI's confidentiality request because it failed to comply with the standards set forth in Section 0.459 of the Commission's Rules ("Rules").² Subsequently, on October 25, 2004, PFI filed an Application for Review of the confidentiality ruling pursuant to Section 0.459(g) of the Rules.³ On February 10, 2005, the Enforcement Bureau and PFI entered into a Consent Decree,⁴ which terminated an investigation into PFI's compliance with Section 302(b) of the Communications Act of 1934, as amended,⁵ and Parts 2 and 15 of the Rules.⁶ PFI then filed a Motion to Withdraw the pending Application for Review.⁷

2. In this Order, we grant PFI's Motion to Withdraw and dismiss its Application for Review. In addition, we vacate our October 18, 2004 confidentiality ruling.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Sections 0.111 and 0.311 of the Rules,⁸ PFI's Motion to Withdraw **IS GRANTED** and its Application for Review **IS DISMISSED**.

4. **IT IS FURTHER ORDERED** that the confidentiality ruling issued on October 18, 2004, *Perfect Fit Industries, Inc.*, 19 FCC Rcd 19889 (Enf. Bur., Spectrum Enf. Div., 2004), **IS VACATED**.

¹ *Perfect Fit Industries, Inc.*, 19 FCC Rcd 19889 (Enf. Bur., Spectrum Enf. Div., 2004).

² 47 C.F.R. § 0.459.

³ Perfect Fit Industries, Inc. Application for Review (filed October 22, 2004). On November 15, 2004, PFI filed a Supplement to its Application for Review. Perfect Fit Industries, Inc. Supplement to Application for Review (filed November 15, 2004).

⁴ *Perfect Fit Industries, Inc.*, DA 05-337 (Enf. Bur., February 10, 2005).

⁵ 47 U.S.C. § 302a(b).

⁶ 47 C.F.R. § 2.1 *et seq.* and § 15.1 *et seq.*

⁷ Perfect Fit Industries, Inc. Motion to Withdraw Application for Review (filed February 10, 2005). PFI included the November 15, 2004 Supplement to its Application for Review within the scope of its Motion to Withdraw.

⁸ 47 C.F.R. §§ 0.111, 0.311.

5. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by first class mail and certified mail, return receipt requested, to Louis R. Morris, President, Perfect Fit Industries, Inc. 8501 Tower Point Drive, Charlotte, North Carolina 28227, and to Jack Richards, Esq., Keller and Heckman LLP, 1001 G Street, N.W., Suite 500 West, Washington, D.C. 20001.

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Casey
Chief, Spectrum Enforcement Division
Enforcement Bureau